

Remarks

Receipt is acknowledged of the Office Communication of October 13, 2000.

Applicant appreciates the time the Examiner spent discussing the application during the recent telephone conference and wishes to thank the Examiner and Ms. Linda Scholl for their suggestions and their time. Following these suggestions, Applicant is submitting a substitute specification and a corrected amendment presented in accordance with 37 C.F.R. §1.121(b).

Reconsideration of the application is respectfully requested and is believed to be fully warranted. In the absence of uncovering of more pertinent prior art, the application is believed to represent a patentable and non-obvious invention. Prompt and favorable action is believed fully warranted.

In accordance with 37 C.F.R. §1.121(b), Claims 15-25 presented at the filing of this reissue application have been cancelled by a statement to that effect without a further presentation of the claims. Consequently, all issues rised by the Examiner with respect to these cancelled claims are deemed mute.

The specification has been amended, in accordance with 37 C.F.R. §1.121(b), by presenting entire text of the paragraphs sought to be amended.

As noted in the Amendment filed April 10, 2000, Applicant has amended Claims 1, 5, 9-14 and added Claims 26- 34. In accordance with 37 C.F.R. §1.121(b) all amendments have been

entered with respect to the original specification and claims submitted herein. The cited prior art does not require the limitation of box-shaped housing of the compact smoking oven, accordingly the limitation has been deleted from the amended claims 1,5, 9-14. Applicant has also amended Claim 10 to more particularly claim one of the preferred embodiments of the invention wherein the food product to be smoked in the oven is suspended from hooks attached to a rotatable disc. This particular embodiment is disclosed in the second paragraph of the Description of the Preferred Embodiments of the issued patent (See Column 2, lines 56-63).

As more particularly stated below, the original patent contained an error which resulted in the scope of the invention, as claimed, being too narrow. Specifically, the issued patent has disclosed the compact smoking oven having a rotatable food support, which, in the preferred embodiment shown in Figs. 14A - 14C, is constructed of a first rotatable disc, a second rotatable disc and a plurality of rods. The rods are rotatably mounted and spaced apart in a circumferential direction on the rotatable discs. Each rod has one of its ends inserted through an opening in the first rotatable disc and is turnably secured by a rotatable flap which is pivotally mounted on the first disc. The other end of each rod is inserted through a corresponding opening in the second rotatable disc. When the discs are rotated during the smoking process, the rods also rotate around their axes. Additionally, the entire food supporting assembly may be removed from the oven for loading and unloading of the food product without disassembling rods from the discs inside the oven. The above described structure was deemed by the Applicant to be an essential feature of his invention. However, claims of the issued '471 patent do not adequately cover this feature. Since this matter might have been claimed in the original patent Applicant has amended

the existing claims and added new claims to protect his invention in this reissue application. *See*, new Claims 26-31 and 34.

Applicant further added new claims 32 and 33 to more particularly claim a rotatable grate which is disclosed in the original patent but was not adequately protected by the issued claims. Figs 11B, 13B and 16 show a food support constructed as a grate having two portions movable between two positions: open and closed. The grate can be mounted on two rotatable discs and then inserted into the oven as a unit, as shown in Fig. 13B, or it may be rotatably mounted on the oven's walls, as shown in Fig. 11B.

In view of the above amendments and remarks, it is submitted that all of the claims remaining in the application, specifically claims 1 -14, and 26 - 34, are currently in patentable form. A prompt and favorable allowance of all of the claims is requested and believed fully warranted. Should the Examiner have any questions concerning the present Amendment, a telephone call to counsel would be welcomed.

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Respectfully submitted,

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